

120

AF/ 1636
JFW



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Todd SEELEY) Group Art Unit: 1636
Serial No. 10/084,700) Examiner: Sumesh Kaushal
Filed: February 27, 2002) Atty. Dkt. No. PP-10406.004

For: **HUBUB3 GENE INVOLVED IN HUMAN CANCERS**

REQUEST FOR EXTENSION OF TIME TO PROVIDE
A SHOWING UNDER 37 C.F.R. § 41.202(d)

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This paper responds to the paper mailed December 3, 2004, which provided Applicant with a two-month period of time to provide a showing of prior invention under 37 C.F.R. § 41.202(d) with respect to the invention claimed in U.S. Patent 6,593,098. We believe no fee is due in connection with this response. If a fee is due, please charge our Deposit Account No. 19-0733.

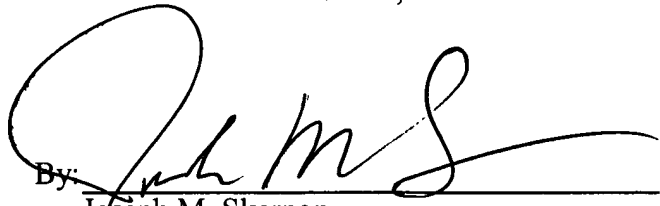
Applicants respectfully petition, under 37 C.F.R. 1.136(b), for a two-month extension of time to provide the required showing.

This application is assigned to Chiron Corporation. On or about December 22, 2004, we were retained by Chiron to prepare a response to the December 3rd Office Action. When we started our investigation, we found out that the inventor was no longer employed by Chiron and

that the notebooks which most likely documented the reduction to practice of the invention were archived at Chiron. We have since obtained some of the notebooks and identified some of the original work resulting in the invention. We recently located the inventor and have begun considering the information recorded in the notebooks with his assistance. That investigation has resulted in the identification of another individual who was involved in certain aspects of the experimental work surrounding the efforts to reduce the invention to practice. That individual also is no longer employed by Chiron and we are in the process of retrieving copies of the remaining relevant notebooks. Also, we have not yet located this other individual. Applicant thus needs additional time (1) to locate the second individual, (2) to obtain copies of all of the relevant notebooks and review them, (3) to interview both the inventor and this other individual on the information recorded in their respective notebooks and the underlying work, and (4) to prepare the necessary showing with their assistance. As a result, applicant respectfully requests a two (2) month extension of time for that purpose. This is the first request for an extension of time.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: January 18, 2005

By: 
Joseph M. Skerpon
Registration No. 29,864

Lisa M. Hemmendinger
Registration No. 42,653

Customer No. 22907